

Attorney Docket No.: 019079-001610US
Client Ref. No.:

PTO/SB/01A (08-03)

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention | LUMINESCENT METAL ION COMPLEXES

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/690,806, filed on **October 21, 2003**,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 | Ronald M. Cook

Date:

March 10, 2004

Signature:

[Signature]

Citizen of:

United States

Inventor 2 | Matt Lytle

Date:

3-22-04

Signature:

[Signature]

Citizen of:

United States

Inventor 3 | Mary Katherine Johansson

Date:

3-22-04

Signature:

Mary Katherine Johansson

Citizen of:

United States

Inventor 4 | _____

Date:

Signature:

Citizen of:

☐ Additional inventors are being named on additional form(s) attached hereto.

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27) - SMALL BUSINESS CONCERN

Applicant or Patentee: Ronald M. Cook, et al.

Title: LUMINESCENT METAL ION COMPLEXES

- ☐ the specification filed herewith.
☒ Application No. 10/690,806, filed October 21, 2003.
☐ Patent No. _____, issued _____.

I hereby declare that I am:

- ☒ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Biosearch Technologies, Inc.

Address of Small Business Concern: 81 Digital Drive

Novato, CA 94949

I hereby declare that the above-identified small business concern qualifies as a "small business concern" as defined in 13 CFR part 121, for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Further Assignment

- ☒ I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described above.
- ☐ Verified statements by all entities to whom rights to the invention have been transferred, or to whom there is an obligation to transfer rights, are attached hereto.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Ronald M. Cook, Ph.D.

Title of Person if Other than Owner: President and CEO

Address of Person Signing: 81 Digital Drive

Novato, CA 94949

Signature
60159944 v1

Ronald M. Cook

Date

March 10, 2004

POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	10/690,806
	Filing Date	October 21, 2003
	First Named Inventor	Ronald M. Cook
	Title	LUMINESCENT METAL ION COMPLEXES
	Art Unit	1742
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	019079-001610US

I hereby appoint:

☒ Practitioners associated with the Customer Number

20350

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

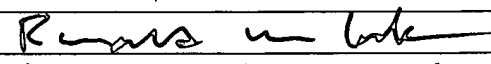
<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Ronald M. Cook, President and CEO			
Signature				
Date	November 10, 2004	Telephone	(415) 883-8400	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



PTO/SB/96 (08-03)

Attorney Docket No. 019079-001610US

Client Ref. No.:

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Ronald M. Cook, et al.Application No./Patent No.: 10/690,806Filed/Issue Date: October 21, 2003Entitled: LUMINESCENT METAL ION COMPLEXESBiosearch Technologies, Inc.a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 10, 2004

Date

(415) 883-8400

Telephone number

Ronald M. Cook, PH.D.

Typed or printed name

Ronald M. Cook

Signature

President and CEO

Title

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Ronald M. Cook of 7 Meadow Lane, Novato, CA 94947; Matt Lyttle of 251 B Street, Point Reyes Station, CA 94956; Mary Katherine Johansson of 867 Seaview Drive, El Cerrito, CA 94530, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: LUMINESCENT METAL ION COMPLEXES

Date(s) of execution of Declaration: 3/10/04, 3/22/04, 3/22/04, respectively

Filing Date: October 21, 2003

Application No.: 10/690,806; and

WHEREAS, Biosearch Technologies, Inc., located at 81 Digital Drive, Novato, CA 94949, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: March 22, 2004

Ronald M. Cook

Ronald M. Cook

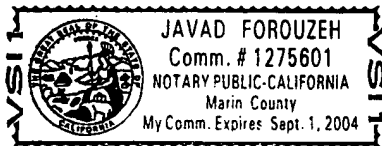
STATE OF CALIFORNIA)

COUNTY OF Marin)

ss.

On March 22nd 2004, before me, Javad Forouzeh, personally appeared Ronald M. Cook, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Javad Forouzeh
NOTARY PUBLIC

My Commission Expires: Sept 1st 2004

Dated: 3-22-04

Matt Lytle

Matt Lytle

STATE OF CALIFORNIA)

COUNTY OF Marin)

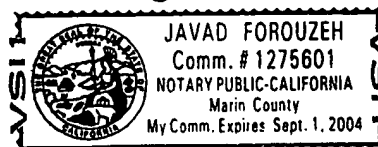
ss.

On March 22nd 2004, before me, Javad Forouzeh, personally appeared Matt Lytle, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Javad Forouzeh
NOTARY PUBLIC

My Commission Expires: Sept 1st 2004



Dated: 3-22-04

Mary Katherine Johansson
Mary Katherine Johansson

STATE OF CALIFORNIA)

COUNTY OF Marin)

ss.

On March 22nd 2004, before me, Javad Forouzeh,
personally appeared Mary Katherine Johansson, ~~personally known to me~~ (or proved to me on the basis of
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and
acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her
signature on the instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

WITNESS my hand and official seal.

J. Forouzeh
NOTARY PUBLIC

My Commission Expires: Sept 1st 2004

